REMARKS

Applicant wishes to thank the Examiner James Myhre for taking the time to conduct the respective telephone interviews on October 26, 2004 and December 16, 2004. In the final office action mailed on November 12, 2004, claims 1 - 7, 9 - 11, 14, 15, 17 - 23 and 25 were rejected under 35 U.S.C. §102(e) over U.S. Patent No. 6,141,530 (to Rabonsky).

As discussed during the telephone interview on December 16, 2004, claims 1 - 26 are canceled without prejudice or disclaimer and new claims 27 - 37 are added. The newly proposed independent claim 27 is submitted in an effort to more particularly define the mechanism by which the selection of data is achieved by the processor. In particular, new claim 27 recites a selection means that selects a plurality of selected actual movie showings associated with a plurality of selected job requests. The selection is made such that each selected actual movie showing includes at least one of a movie genre, a movie rating, a showing location, a movie showing time, a movie release start date and a movie release end date in common with a movie genre, a movie rating, a showing location, a movie showing time, a movie release start date and a movie release end date of an associated selected job request.

As discussed during the telephone interview on December 16, 2004, although applicant believes that the subject matter of the canceled independent claims is not disclosed, taught or suggested by the Robowsky reference, new claim 27 is certainly not disclosed, taught or suggested by Robowsky. Applicant understood from the telephone interview that the Examiner is in agreement that the subject matter of claim 27 is not disclosed, taught or suggested by the Robowsky reference alone.

The Rabowsky reference discloses a system and method for digital electronic cinema delivery that includes, in part, a central "headend" system and a theatre system. The headend system is disclosed to receive analog cinema film, digitize the information in the analog cinema

film, and to transmit digital data to theatre systems where the digital data is stored and later

played back. The system also includes an "automation/scheduling system" and describes its

function as follows:

> Within the bit stream provided by the Headend to a specific theater
> is a playback schedule. This schedule defines the authorized playback
> times for each cinema file and for each screen in the theater. The
> automation/scheduling system schedules these playbacks, and provides the
> necessary machine control to automatically play the cinemas at the
> scheduled times. **It includes the scheduling and playout of all trailers.**
>
> A theater operator interface provides the **operator** with the **ability
> to modify** the schedule, such as changing play times, and which screens
> are showing which cinemas. Such changes require notification of the
> headend. Changes which do not violate contractual terms are automatic,
> requiring only a change in the distribution records. Changes which modify
> the terms of an existing contract between Exhibitor, Distributor, and
> Service Provider are verified and authorized by the DMS once accepted by
> the parties to the contract. **This interface also may provide a facility for
> allowing theater operators to insert locally-generated materials such
> as advertisements for local businesses.**

Rabowsky, col.12, lines 9 - 28 (emphasis added).

The Rabowsky reference is cited for disclosing a system that allegedly schedules trailers

to accompany movies, and provides that an operator may insert an advertisement into a schedule.

Applicant submits that such a system provides little more than the conventional analog film

approach where trailers are literally spliced to movies and shipped to theatres, and where a local

operator may cut and splice an advertisement in to the trailer.

The Rabowsky reference, however, does not provide any disclosure of a system that

provides

> **job request means** for receiving a plurality of **job requests**, each
> job request including data representative of an advertisement and data
> representative of a **schedule request**, said data representative of a
> schedule request including **at least one** of a requested movie genre, a
> requested movie rating, a requested showing location, a requested showing
> time, a requested movie release start date and a requested movie release
> end date;

storage means for receiving and storing said plurality of job
requests;

actual movie showing storage means for storing a plurality of
actual movie showings, each actual movie showing including actual
movie showing data that is representative of a movie showing
identification and audience common interest data, said audience common
interest data including data that is representative of **at least one of** a movie
genre, a movie rating, a showing location, a movie showing time, a movie
release start date and a movie release end date;

selection means for selecting a plurality of **selected actual movie
showings** from said plurality of actual movie showings associated with a
plurality of **selected job requests** from said plurality of job requests such
that each **selected actual movie** showing includes **at least one of** a movie
genre, a movie rating, a showing location, a movie showing time, a movie
release start date and a movie release end date **in common with** a movie
genre, a movie rating, a showing location, a movie showing time, a movie
release start date and a movie release end date of an associated **selected
job request**; and

presentation means for permitting an advertisement associated with
each selected job request to be presented at each associated selected actual
movie showing.

Claim 27.

The Rabowsky reference includes no disclosure, teaching or suggestion of a system that

matches selected actual movie showings with selected job requests. The Advisory Action mailed

February 8, 2005 states, in part, that the language "at least one of a movie genre, a movie rating,

a showing location, a movie showing time, a movie release start date and a movie release end

date" reads on a movie genre. Applicant does not dispute this. The Rabowsky reference,

however, does no disclose, teach or suggest an *automated dynamic selection system* that selects

actual movie showings with associated selected job requests based on movie genre. At best, the

Rabowsky reference discloses manually selecting trailers based on movie title. There is no

automated dynamic selection of advertisements disclosed in the Rabowsky reference. As

discussed previously in response to prior office actions, such a task is far more complex that

distributing movies in digital format.

Applicant respectfully submits, therefore, that each of claims 27 - 37 is in condition for allowance. Favorable action consistent with the above is respectfully requested.

Also enclosed is a copy of an Information Disclosure Statement filed on October 21, 2004 in connection with the present application, and for which the form PTO1449 has not been initialled by an examiner. Although the examiner has signed the bottom of the form PTO1449, applicant asks that each of the two items on the form be intialled.

Respectfully submitted,

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